

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

BARRY S. NEAL,)	
)	
Plaintiff,)	Case No. 4:14-cv-00002
)	
v.)	<u>ORDER</u>
)	
CITY OF DANVILLE, VIRGINIA.,)	By: Hon. Jackson L. Kiser
)	Senior United States District Judge
Defendant.)	

Plaintiff Barry S. Neal filed this action against Defendant the City of Danville, Virginia (“the City”), seeking a declaratory judgment that the City violated the Consolidated Omnibus Budget Reconciliation Act when it cancelled his health insurance benefits after he failed to return to work following the exhaustion of his Family Medical Leave Act leave. (See Compl. ¶¶ 7, 23–26 [ECF No. 1].) The parties filed cross motions for summary judgment and agree that the only dispute between them is a legal one: whether Plaintiff experienced a “qualifying event” sufficient to invoke COBRA continuation coverage. I have reviewed the facts, the arguments of the parties, and the relevant law and precedents. For the reason stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that Plaintiff’s motion for summary judgment [ECF No. 19] is **DENIED**, and that the City’s motion for summary judgment [ECF No. 11] is **GRANTED**.

The Clerk is directed to forward a copy of this Order and accompanying Opinion to all counsel of record and remove this case from the active docket of the Court.

Entered this 11th day of December, 2014.

s/Jackson L. Kiser
SENIOR UNITED STATES DISTRICT JUDGE